HONOURABLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE

WRIT PETITION No.14394 OF 2004

Between

Atluri Venkata Subba Rao and 22 others.

...Petitioners

And

Government of India, Ministry of Home Affairs
(Freedom Fighters' Division) reptd by its
Under Secretary to Government of India,
Lok Nayak Bhavan, Khan Market,
New Delhi.

...Respondent

:: O R D E R ::

Counsel for the petitioners : Shri V.S.R.Anjaneyulu

Counsel for Respondent No.1 : Shri A.Rajashekar Reddy, Assistant Solicitor General of India

Counsel for Respondent No.2 : Assistant Government Pleader for Revenue

Dated: 14th November 2006

In this petition, the petitioners have prayed for issue of a mandamus to the respondents to consider their cases for grant of pension under Swatantrata Sainik Samman Pension Scheme, 1980 (for short 'the 1980 Scheme') and decide the same.

At the commencement of arguments, Sri A.Rajashekar Reddy, learned Assistant Solicitor General submitted that the cases of the petitioners could not be considered by the competent authority of the Government of India because the applications made by them for grant of pension under the 1980 Scheme had not been received from Government of Andhra Pradesh.

Sri V.S.R.Anjaneyulu, learned counsel for the petitioners stated that during the pendency of the writ petition, his clients received notice from Deputy Secretary to Government of Andhra Pradesh, Revenue Department, (Freedom Fighters' Division) requiring them to submit documents in support of their claim for grant of pension under the 1980 Scheme and the needful has been done.

In view of the statements made by the learned counsel for the parties, the writ petition is disposed of in the following terms:

(1) Within one month from today, the petitioners should send their applications directly to Deputy

Secretary to Government of India, Ministry of Home Affairs, (Freedom Fighters' Division).

(2) within six weeks from today, the committee constituted by the State Government vide G.O.Rt.No.1680, dated 02.08.2006 shall scrutinize the documents submitted by the petitioners and make appropriate recommendations to Government of India, Ministry of Home Affairs (Freedom Fighters' Division)

(3) within three months of the receipt of recommendations sent by the State Government, the competent authority of Government of India shall consider the cases of the petitioners for grant of pension under the 1980 Scheme and decide the same by passing speaking orders.

(4) the decision taken by the competent authority shall be communicated to the petitioners by registered post at the end of three months' period specified in para 3 above.

(5) such of the petitioners, who are found eligible and entitled, shall be granted pension along with arrears, if any, as per the extant policy.

As a sequel to disposal of the writ petition in the manner indicated above, W.P.M.P.No.18531 of 2004 filed by the petitioners for interim relief is dismissed.

G.S.SINGHVI, CJ

14.11.2006

dr